CLASSIFICATION OFFICE DECISION

Title of publication:	0000009_Carved
Other known title(s):	Not stated
OFLC ref:	2000307.012
Medium:	Image File
Maker:	Not stated
Country of origin:	Not stated
Language:	English
Applicant:	Commissioner of Police
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	26 November 2020
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	26 November 2020

Summary of reasons for decision:

The image file explicitly depicts child or young teen characters from a well-known animated television series engaged in sexual activity. The image does not promote and support the exploitation of children or young persons under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993, but it does depict sexual conduct involving children and young teens, as well as incest to a high extent and degree. The sexually explicit nature of the image and its likely intended purpose of arousing the viewer trivialises sexual conduct involving children and young persons and presents a clear attitudinal harm of normalising their sexual objectification and availability for sexual gratification. There is a strong likelihood of injury from the trivialisation of such behaviour and promotion of attitudes which are likely to have a detrimental effect on wider society. The right to freedom of expression affirmed by the New Zealand Bill of Rights Act 1990 has been considered. While adults have a right to access material that offers humour and sexual stimulation, the right does not extend to those whose availability is likely to be injurious to the public good. In this case the strong likelihood of injury cannot be adequately prevented by an age restriction. Therefore the objectionable classification is reasonable and demonstrably justified in order to prevent injury to the public good.